REMARKS/ARGUMENTS

Claim Remarks with respect to 35 U.S.C. 112

The Examiner has rejected claims 12-14 under 35 U.S.C. 112 2nd paragraph. Claims 12-14 have been canceled without prejudice thereby respectfully rendering this rejection moot.

Claim Remarks with respect to 35 U.S.C. 103

The Examiner has rejected claims 1-11 under 35 U.S.C. 103 based on three references, namely United States Patent Serial No. 5,867,169 to Prater (hereinafter Prater '169), in view of United States Patent Serial No. 6,606,166 to Knoll (hereinafter Knoll '166), in further view of United States Patent Serial No. 7,136,075 (hereinafter Hamburg '075).

Specifically, the Examiner has stated that Prater '169 discloses the first four elements of Applicant's claim 1. Applicant respectfully disagrees for at least the following reasons.

Prater '169 is directed towards allowing a graphic artist to change brightness and colors for an entire image not a region of an image, (see Prater '169, Col. 18, ll. 3-5) "…the hue and saturation of an image can be altered as desired without affecting the overall brightness of the image." Applicant respectfully asserts that Prater '169 applies to entire images and not a "region of an image". Prater '169 "Figure 5, col 3, lines 64-67 & col 4, lines 1-20" asserted by the Examiner respectfully shows a standard *color space* definition (see Prater '169 Fig. 3) not a region of an image. Applicant respectfully asserts that this cite is completely different from "region of an image". Hence, Prater '169 respectfully fails to disclose Applicant's first, second and last elements of claim 1 for example.

The transformation used in Prater '169 is RGB to HSY so that Fig. 16's hsytool can provide for adjustment of A SINGLE color (in the easier HSY space as opposed to RGB space). Hence any input color in RGB space will have EXACTLY one output color in the color adjusted output image, as adjusted by the user regardless of the color space used. I.e., Prater '169 only allows for the choice of ONE COLOR to change an input color from. Hence, Prater '169 does not contemplate use of a color *function*, for example

4

a function that can output a non one-to-one mapping for a given input color. See Applicant's disclosure paragraph [0026] "…input pixel luminance to an output color in a *one-to-many mapping valid for a region within the image*". Also, see Prater '169 Fig. 16, element 1608 on the Hue, Y-Luminance and Saturation widgets showing EXACT ONE AND ONLY ONE VALUES of H=0.483, S=0.432 and Y=0.266 for a given input color. Hence, Prater '169 respectfully fails to disclose Applicant's 2nd, 4th, 5th and 6th elements of claim 1 for example.

Again, Prater '169 for example does not include injection colors and moreover does not contemplate "selecting at least one injection color *function* for said region", and "associating a second luminance value and a second luminance range with said at least one injection color *function*". (Also, see the final claim element of claim 1 for the interaction and hence distinction between base color function and injection color function.) For a given input color as per Fig. 16, there is but one CONVERTED color, again see Fig. 16, element 1608 as per the previous paragraph.

Support for Applicant's injection color function can be found in at least Figs. 1A, 1B, 2A, 2B, 3A, 3B, 4, 5 and paragraph [0026] "…input pixel luminance to an output color in a one-to-many mapping valid for a region within the image", and paragraphs [0027]-[0039].

Applicant agrees that Prater '169 does not teach "selecting at least one pattern function…".

With respect to Knoll '166, colors are substituted for source colors in whole. Specifically, Knoll '166 does not contemplate:

> "applying said at least one injection color function using said at least one pattern function **mixed with** said at least one base color function to said region of said image for each luminance value within said region".

Hence Knoll '166 replaces colors with colors that are generated within an error range of a source color. See Col. 5, ll. 50-54, "The system repeats the above steps 510 through 525 until the system has generated N candidate colors (step 530). After generating N candidate colors, the system **selects one of the candidate colors to be the target color** (step 115), as described above." I.e., there is no mixing of injection colors

5

with base colors in Knoll '166. Applicant's invention is different and allows for more complex output colors.

Hence as Prater '169 and Knoll '166 do not include all elements of Applicant's claim 1, Applicant respectfully submits that claim 1 is allowable (as well as all dependent claims). Claims 2-4 likewise are not anticipated or rendered obvious since the references cited against them respectfully do not include all limitations of the independent claim from which they depend.

With respect to claims 5-8, since Hamburg '075 does not comprise elements from the independent claim (claim 1) from which these claims inherit limitations, they are likewise allowable.

With respect to claims 9-11, since Knoll '166 does not comprise elements from the independent claim (claim 1) from which these claims inherit limitations, they are likewise allowable.

Claims 12-14 have been canceled respectfully rendering the rejections to these claims moot.

CONCLUSION

It is believed that claims 1-11 are allowable over the cited art. A Notice of Allowance is earnestly solicited.

Respectfully submitted,
Dalina Law Group, P.C.

Joseph J. Mayo, Reg. No.: 53,288
P. (858) 442-5877
F. (858) 777-5425